

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT HILTON, DARREN HARCUM,	:	CIVIL NO. 3:06-CV-02136
JOSE ORTIZ, KYLE COLLINS,	:	
MIGUEL SOTO, JOSE RODRIGUEZ,	:	(Judge Conaboy)
SENECA STOKES, ZACHARY DOONEY	:	
and RODELL SURRATT,	:	(Magistrate Judge Smyser)
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
EDWARD KLEM, CHMIELEWSKI,	:	
VANCE, J.D. DUDECK, GEISINGER,	:	
HOFFMAN, BRONSBURG, TEMPERINE,	:	
DONALD JONES, WILLIAM WETZEL,	:	
VUKSTA, E. MARTIN,	:	
THOMAS DERFLER, SERVIN,	:	
STEVEN DATCHKO, WYNDER,	:	
CHAPMAN, MASON, YOURAN, CLARK,	:	
ADAMS, DELBASO, SROMORSKI,	:	
GEORGE CLEMENTS, BECKY DESANTI,	:	
CYNTHIA GREGORY, ROBERT BITNER,	:	
GERALD GAVIN and JOHN DOE,	:	
	:	
Defendants	:	

ORDER

On October 31, 2006, the plaintiffs, ten state prisoners proceeding *pro se*, commenced this 42 U.S.C. § 1983 action by filing a complaint. The plaintiffs' claims concern events and conditions at the State Correctional Institution at Mahanoy (SCI-Mahanoy). The complaint names as defendants

thirty Department of Corrections and SCI-Mahanoy officials and employees.

The remaining claims in this case are the plaintiffs' equal protection claims regarding the discipline they received in connection with an incident on July 25, 2006, plaintiff Hilton's equal protection claim that he was given less food than other inmates, plaintiff Surratt's claims regarding being assaulted and being denied the opportunity to file criminal charges against his attacker, plaintiff Surratt's claim regarding defendant Dudeck discarding mail, and plaintiff Harcum's claims regarding being denied use of an inhaler for his asthma.

On May 2, 2007, plaintiff Surratt filed a motion for an order allowing him to correspond by mail with those of his co-plaintiffs who have been transferred from SCI-Mahanoy and to meet in the law library with those of his co-plaintiffs who are still at SCI-Mahanoy. On May 2, 2007, plaintiff Surratt filed a brief in support of this motion. By an Order dated September

26, 2007, we indicated that before addressing this motion we would like to hear the position of the defendants on the issues raised in the motion. We ordered the defendants to file, on or before October 11, 2007, a response to plaintiff Surratt's motion. The defendants have not filed a response to plaintiff Surratt's motion. Pursuant to Local Rule 7.6, the defendants are deemed not to oppose plaintiff Surratt's motion.

On October 2, 2007, plaintiff Harcum filed a motion for an order allowing him to correspond with his co-plaintiffs and a brief in support of that motion. The defendants have not filed a response to plaintiff Harcum's motion. Pursuant to Local Rule 7.6, the defendants are deemed not to oppose plaintiff Harcum's motion.

We will grant plaintiffs Surratt and Harcum's unopposed motions. It will be ordered that plaintiffs Surratt and Harcum be allowed to correspond in writing with each other and with their other co-plaintiffs and that plaintiff Surratt be allowed

to meet in the law library with those of his co-plaintiffs who are still at SCI-Mahanoy.

On October 2, 2007, plaintiff Harcum filed a request for five subpoenas. We will direct the Clerk of Court to provide plaintiff Harcum with five signed, but otherwise blank, subpoenas. Should plaintiff Harcum choose to use the subpoenas, he must comply with the requirements of Fed.R.Civ.P. 45. Moreover, although he has been granted *in forma pauperis* status pursuant to 28 U.S.C. § 1915, plaintiff Harcum is nevertheless responsible for any and all costs associated with the subpoenas.

IT IS ORDERED that plaintiff Surratt's motion (doc. 55) for order to allow correspondence and plaintiff Harcum's motion (doc. 82) for court order allowing correspondence are **GRANTED** and that the defendants are ordered to allow plaintiffs Surratt and Harcum to correspond in writing with each other and with their other co-plaintiffs and to allow plaintiff Surratt to meet in the law library with those of his co-plaintiffs who are

still at SCI-Mahanoy. **IT IS FURTHER ORDERED** that the Clerk of Court is directed to send to plaintiff Harcum five signed, but otherwise blank, subpoenas.

/s/ J. Andrew Smyser

J. Andrew Smyser
Magistrate Judge

Dated: November 1, 2007.